

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TINIKA FRANKLIN,

Plaintiff,

Case No. 24-cv-0766-bhl

v.

WALMART SERVICE DEPARTMENT MECHANIC et al,

Defendants.

ORDER

On June 20, 2024, Plaintiff Tinika Franklin, proceeding *pro se*, filed a complaint against the Walmart Auto Service Department and one or more unnamed mechanics. (ECF No. 1.) That same day, she also filed a motion for leave to proceed without prepayment of the filing fee or *in forma pauperis* (IFP). (ECF No. 2.) The Court screened the complaint on June 27, 2024, and concluded that Franklin was sufficiently indigent for a fee waiver, but that she had failed to state a claim over which the Court has subject-matter jurisdiction. (ECF No. 4.) Accordingly, it dismissed the complaint without prejudice and directed Franklin to file an amended complaint by July 29, 2024, if she wished to continue this lawsuit. The Court advised Franklin that failure to file an amended complaint would result in dismissal of the case for failure to prosecute pursuant to Civil Local Rule 41(c) and for lack of subject-matter jurisdiction. (*Id.* at 4.) Franklin did not file an amended complaint before the deadline, so on August 2, 2024, the Court dismissed this lawsuit without prejudice for her failure to prosecute and for lack of subject-matter jurisdiction. (ECF No. 5.) That same day, the Clerk entered judgment accordingly. (ECF No. 6.)

On August 28, 2024—more than four weeks after the Court’s deadline—Franklin filed an amended complaint and an accompanying IFP motion. (ECF Nos. 7 & 8.) But she makes no attempt to explain why she missed the deadline to file her amended complaint by more than a month and judgment has already been entered in this case. Accordingly, Franklin’s amended complaint will be dismissed as untimely and her IFP motion denied as moot. *See Thomas v. Wardell*, 951 F.3d 854, 862 (7th Cir. 2020) (“District courts generally have broad authority to dismiss a case for failure to prosecute, and this includes failure to comply with valid orders.”).

IT IS HEREBY ORDERED that Plaintiff Tinika Franklin's Amended Complaint, ECF No. 7, is **DISMISSED** as untimely.

IT IS FURTHER ORDERED that Franklin's Motion for Leave to Proceed Without Prepayment of the Filing Fee, ECF No. 8, is **DENIED** as moot.

Dated at Milwaukee, Wisconsin on September 9, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge